



# STREAMLINED (BY-RIGHT) HOUSING DEVELOPMENT APPLICATION PROCESS

(SMC 13.11) (SB 35/423) (SB 4) (AB 2011)

## PURPOSE

Santee Municipal Code (SMC) 13.11, California Senate Bills (SB) 35 and 423 (California Government Code (GOV) Section (§) 65913.4), SB 4 (GOV § 65913.16) and California Assembly Bill (AB) 2011 (GOV § 65912.100) establish options for a development proponent to submit an eligible housing development application through a streamlined, ministerial approval process when the proposed development meets all objective code standards.

The purpose of this guide is to outline the process, eligibility and submittal requirements for the streamlined process. Development proponents proposing an eligible development may request that their entitlement be reviewed through the streamlined process. Eligible developments proceeding with the streamlined process are not subject to the California Environmental Quality Act (CEQA).

Any project seeking to deviate from objective standards will not be eligible for the streamlining process unless a deviation is authorized by state law or local ordinance. Objective standards include zoning, general plan, subdivision, and design standards, which are standards that involve no personal or subjective judgment by a public official. They must be uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal.

Disclaimer: This guide is for informational purposes only and does not establish any legal rights or obligations. Each applicant is responsible for determining compliance with the legal requirements of state law. If an applicant has questions about a specific project, it may contact the City for additional information or confer with an appropriate consultant or legal professional for advice.

*For more information on streamlining requirements and benefits, please visit the California Department of Housing and Community Development website at: <https://www.hcd.ca.gov/planning-and-community-development/statutory-determinations>.*

## PROCESS

The streamlined review for SMC 13.11, SB 35/423, SB 4 and AB 2011 is subject to the following deadlines:

		<b>* See Pre-Application Section Below for Applicability</b>		<b>Eligibility for Streamlined Review Program</b>	<b>Complete Design Review</b>
<b>Project Size</b>	<b>Determination of Complete Application Materials</b>	<b>Pre-App (Tribal Consultation)</b>	<b>Pre-App (Public Meeting)</b>		
<b>150 units or fewer</b>	30 days from submittal	30 days from receipt of NOI	45 days from submittal of NOI	60 days from submittal	90 days from submittal
<b>More than 150 units</b>	30 days from submittal	30 days from receipt of NOI	45 days from submittal of NOI	90 days from submittal	180 days from submittal

Each streamlining opportunity is subject to the process and requirements outlined in the applicable government or municipal code. The table below summarizes review stages and associated requirements for eligible projects proceeding through the streamlined process. A check mark indicates a requirement or review step for that streamlining opportunity.

		Completed During Pre-Application Stage				
	Pre-Application - Notice of Intent (NOI)	Tribal Consultation	Public Meeting (City Council)	Phase I & II Environmental Analysis	Streamlined (By-Right) Housing Development Application	Post-Entitlement Permits
SMC 13.11					✓	✓
SB 35/423 (GOV § 65913.4)	✓ (see section below)	✓ (see section below)	✓ (see section below)		✓	✓
SB 4 (GOV § 65913.16)	✓ (see section below)	✓ (see section below)			✓	✓
AB 2011 (GOV § 65912.100)	✓ (see section below)	✓ (see section below)		✓	✓	✓

## Pre-Application

For projects seeking approval under the provisions of SB 35/423, SB 4, or AB 2011, an applicant is required to submit a Preliminary Application, which serves as a Notice of Intent (NOI) to submit a formal application. For SB 4 and AB 2011, only vacant sites are required to complete a [pre-application](#) and tribal consultation.

### Tribal Consultation

- Upon receipt of a Pre-Application, the Planning Division will notify the California Native American Tribes.
- A representative of the tribal group may request a scoping consultation within 30 days of receipt of the NOI.
- **A local agency may not accept an application under SB 423, SB 4 (if a vacant lot) and AB 2011 (if a vacant lot) until Tribal consultation is complete.**

### Informational Hearing (Public Meeting)

- For projects in designated census tracts, SB 423 requires a public meeting be held before the City Council, within 45 days of the NOI submittal. This requirement applies to census tracts designated as a moderate resource area, low resource area, or an area of high segregation and poverty on the most recent “CTCAC/HCD Opportunity Map” published by the California Tax Credit Allocation Committee and the Department of Housing and Community Development Projects (<https://affh-data-and-mapping-resources-v-2-0-cahcd.hub.arcgis.com/>).
- The applicant is required to confirm, in writing, that they attended the public meeting, and have reviewed all oral and written testimony from the meeting prior to submitting the Streamlined (By-Right) Housing Development Application.

### Phase I & II Environmental Analysis

- AB 2011 requires a Phase I environmental assessment to be completed for the proposed project.
  - If a recognized environmental condition is found, the project applicant shall conduct a Phase II assessment to determine the existence of any release of a hazardous substance on the site and determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.
- The applicant is required to complete any necessary mitigation prior to submitting the Streamlined (By-Right) Housing Development Application.

## **Streamlined (By-Right) Housing Application**

After meeting pre-submittal requirements, the applicant may submit the following Streamlined (By-Right) Housing Development Application materials through the City of Santee Permitting and Licensing Portal: <https://santee-ca-energovweb.tylerhost.net/apps/selfservice#/home>.

- [Streamlined \(By-Right\) Housing Development Project Supplemental Form](#)
- [Affidavit of Prevailing Wage and Apprenticeship Standards Form](#)
- [Hazardous Waste Statement](#)
- [Ownership Disclosure Statement](#)
- [Current Preliminary Title Report](#) (not more than six months old). Include the full easement language for each easement / deed restriction referenced in report (not as digital links).
- [Grant Deed](#)
- [Sewer & Water Availability Forms](#) - signed by Padre Dam Municipal Water District  
<http://www.padredam.org/242/Development-Services>
- [Storm Water Intake Form](#) – <https://www.cityofsantee.ca.gov/government/engineering/storm-water-pollution-prevention-program/development-planning-can-protect-water-quality> - completed and signed
- [Storm Water Quality Management Plan \(SWQMP\)](#) – <https://www.cityofsantee.ca.gov/government/engineering/storm-water-pollution-prevention-program/development-planning-can-protect-water-quality> - completed and signed
- [Project Plan Set](#) (including the following):
  - Site Plan (showing all existing easements on-site and all structures, uses, and driveways within 100 feet of the subject property)
  - Colored Building Elevations
  - Floor Plan
  - Roof Plan
  - Preliminary Landscape and Irrigation Plan with Supporting Documents (Water Efficiency Sheet)
  - Preliminary Grading Plan (showing all cut and fill areas, pad elevations, slope heights, and retaining walls) and Improvement Plan, as applicable
- [Site Photos](#) (Current color photos of entire site, structures, and adjoining properties with a key

map noting the location and direction each photo was taken from)

- Technical Studies / Special Exhibits (as required):
  - Basement Exhibit
  - Federal Aviation Administration Determination of No Hazard to Air Navigation - when property is within Safety Zones 1-6 of Gillespie Field Airport
  - Safety Zone Designation Site Plan - when property is split within two Safety Zones 1 of Gillespie Field Airport
  - Drainage Study
  - Biology Report - prepared by a certified Biologist
  - Geotechnical Report - Preliminary geological investigations and reports are required for projects designated as Group IV or Group III, except those Group III projects located in Zone "A" as per the Seismic Hazards and Study Areas Map (for which a geological reconnaissance will be required), as outlined in Table 8.1 of the City General Plan. Reports shall be site and project specific with testing performed within the last 3 years' time. Infiltration testing is required for all projects. Percolation testing is not an acceptable alternative to infiltration testing.
  - Any other technical studies, documents, etc. as requested by the Planning & Building Department.
- Tentative Map/Tentative Parcel Map documentation (Required if a TM/TPM is being requested):
  - Tentative Map and Tentative Parcel Map Supplement Form
  - School Availability Letters
    - Letter from Grossmont Union High School District indicating that the district has sufficient facilities to support the project.
    - Letter from the Santee School District indicating that the district has sufficient facilities to support the project.
  - Tentative Map or Tentative Parcel Map - The map shall address all items found on Form 656 "Tentative Map Checklist"
  - Slope Analysis Map with two separate cross sections of the site (for project sites which have areas of natural slope of 10 percent or greater - see Hillside Development Handout).
















## Post Entitlement

When the City receives an application for a subsequent permit for a project that was approved under a ministerial program, the City is required to process the permit without unreasonable delay. City agencies may not impose any new objective standards to the subsequent permit that were not in effect at the time of the ministerial project approval. City Agencies shall review subsequent permits to implement the approved development, and review of these permits shall not delay, inhibit, or preclude the development. If a subsequent permit may not be reviewed ministerially, the issuing agency shall review the permit in accordance with Government Code § 65913.4(i). Certain permits will be considered post-entitlement permits and may be reviewed ministerially pursuant to the timelines set forth under Government Code § 65913.3. For more information regarding post entitlement permits, please visit the City's website: <https://www.cityofsantee.ca.gov/planning-building/ab2234>.

## ELIGIBILITY




Each State law authorizing streamlined ministerial review has specific requirements to establish a project's eligibility. The table below summarizes each of the different qualifying requirements. The affordability requirements for each is set forth following the table.

	SMC 13.11	SB 35/423 (GOV § 65913.4)	SB 4 (GOV § 65913.16)	AB 2011 (GOV § 65912.100)
Zoning	Residential or Mixed-Use	Residential or Mixed-Use	Land owned on or before January 1, 2024, by an institution of higher education or a religious institution	Office, retail, or parking is the principally permitted use
Density  (All projects may also qualify/apply for a Density Bonus if proposing 5 or more units)	Must meet the base density required per the site's zoning.  Maximum density allowed per the site's zoning.	Must meet the base density required per the site's zoning.  Maximum density allowed per the site's zoning.	In Residential Zones: 30 units per acre  In Non-Residential Zones: 40 units per acre.	The greater of the following within a metropolitan jurisdiction:  Density allowed on the parcel per SMC, as determined in accordance with Gov. Code § 65915(o)(6).  Sites of less than one acre: 30 units per acre.  Sites of one acre or greater located on a commercial corridor of less than 100 feet: 40 units per acre.  Sites of one acre in size or greater located on a commercial corridor of 100 feet in width or greater: 60 units per acre.  Sites within one-half mile of a major transit stop: 80 units per acre.

Location	By-right site within the Housing Element Sites Inventory of the City of Santee General Plan or Town Center Specific Plan.	At least 75% of the site perimeter must be developed with urban uses	May <u>not</u> be:  Adjacent to one-third or more uses that are dedicated to light industrial use  Located within 1,200 feet of an existing or recently permitted heavy industrial use  Located within 1,600 feet of an existing or recently permitted industrial use.  Located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.	May <u>not</u> be:  On or adjoined to any site where more than one-third of the square footage is dedicated to industrial use.  Located within 500 feet of a freeway.  Located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.
The development and site may <u>not</u> be located on or in the following check marked areas:				
Prime Farmland				
Wetlands				
Flood Plain				
Floodway				
Hazardous Waste Site		 *	 *	 *

Coastal Zone		 **		 **
Community Conservation Plan Area				
Conservation Easement				
Habitat for Protected Species				
High Fire Hazard Severity Zone		 ***	 ***	
Delineated Earthquake Fault Zone				
Tenant Occupied Housing: (i) Demolished Within the Last 10 Years, or (ii) Offered for Sale				
The project must meet all standards at the time of the application submittal. A check mark indicates a requirement.				
No Demolition of Residential Units ****				
No Demolition of Historic Structures				
Consistency with SMC Objective Standards				
Affordability Requirement (see below)				



Prevailing Wage Requirement				
Other Requirements	<p>A minimum of 16 or more residential units must be proposed.</p> <p>At least 2/3 of the floor area must be dedicated to residential uses.</p> <p>Must comply with Housing Element requirements and Government Code § 65583.2.</p>	<p>A minimum of two or more residential units must be proposed.</p> <p>A subdivision of 10 or fewer units may be considered ministerial.</p> <p>At least 2/3 of the floor area must be dedicated to residential uses.</p>	<p>100% of residential units, exclusive of manager units, must meet the affordability requirements.</p> <p>If the project is within 500 feet of a freeway, building shall provide air filtration media for outside and return air that provide a minimum efficiency reporting value (MERV) of 13.</p>	<p>The applicant shall comply with commercial tenant notification and relocation assistance requirements found in CA government code Section 65912.123.i.</p>

\* The development must not be located on a site that is classified as a hazardous waste site as defined under CA Gov't Code §§ 65912.111(e) (see § Gov't Code 65913.4(a)(6)(E)), unless the project sponsor has secured a letter from the State Department of Public Health, State Water Resources Control Board, or the Department of Toxic Substance Control stating that the site is suitable for residential uses.

\*\* The development must not be located on a site within the Coastal Zone until January 1, 2025. On or after January 1, 2025, the development may not be located on sites within the coastal zone that are not subject to a certified local coastal program or a certified land use plan; areas vulnerable to five feet of sea level rise; areas not zoned for multi-family housing; located within 100-feet of a wetland, or on prime agricultural land. For more information, please see the requirements in Gov't Code Section 65913.4(a)(6)(A). If a project is located on a Coastal Zone site that is eligible for this program, the project sponsor shall submit a coastal zone permit, and the Department will review the project for compliance with any objective criteria of the Local Coastal Program. Under AB 2011, the site does not have to satisfy Gov't Code § 65913.4(a)(6)(A)(iv).

\*\*\* The development must not be located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Gov't Code § 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions: (i) Section 4291 of the Public Resources Code or Section 51182, as applicable. (ii) Section 4290 of the Public Resources Code. (iii) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).

\*\*\*\* The development must not demolish any of the following types of housing:

- Units that have been occupied by tenants in the last 10 years;
- Units subject to any form of rent or price control, or units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.

If a project requires the demolition of residential units or is located on a site where residential units have been demolished within the past five years, the applicant shall comply with the replacement provisions of the Housing Crisis Act of 2019 (CA. Govt. Code Section 66300, 66300.5, and 66300.6).



## Affordability Requirements

- The Department of Housing and Community Development (HCD) publishes annual tables of official federal and State income limits for determining maximum incomes for eligibility to live in assisted housing, and maximum rents and housing costs that may be charged to eligible residents.
- These limits are based on surveys of local area median income (AMI). The commonly used income categories are approximately as follows, subject to variations for household size and other factors:
  - Acutely low income: 0-15% of AMI
  - Extremely low income: 15-30% of AMI
  - Very low income: 30% to 50% of AMI
  - Lower income: 50% to 80% of AMI
  - Moderate income: 80% to 120% of AMI
- Housing developments subject to affordability requirements are also subject to the following:
  - Affordable units must record a deed restriction of 55 years for rental units, and 45 years for owner-occupied units unless otherwise required by law.
  - Affordable units in the development project shall have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes.

SMC 13.11 Affordability Requirement	
Low Income Households (80% AMI)	
Percent of Housing	20 percent

SB 35/423 Affordability Requirement			
Affordability (Projects w/11+ units)	<b>For-Sale Projects:</b> At least 10% of units as on-site affordable units at 80% of AMI	OR	<b>Rental Projects:</b> At least 10% of units as on-site affordable units at 50% of AMI

SB 4 Affordability Requirement			
	Low Income (80% AMI)	Moderate Income (120 % AMI)	Staff of independent institution of higher education or religious institution that owns the land
Percent of Housing (exclusive of a manager's unit or units)	100 Percent (except as otherwise identified in this chart)	Up to 20 percent	Up to 5 Percent

AB 2011 Affordability Requirement					
Mixed-Income Housing on Commercial Corridors (Gov. Code § 65912.120 -.124)					
Rental Housing					
	Extremely Low Income (30% AMI)	PLUS	Very Low Income (50% AMI)	OR	Low Income (80% AMI)
Percent of Housing	8 Percent		5 percent		15 Percent
	Owner Occupied Housing				
	Low Income (80% AMI)	OR		Moderate Income (120% AMI)	
Percent of Housing	15 Percent			30 Percent	
	Affordable Housing In Commercial Zones (Gov. Code § 65912.110 -.114)				
	Low Income (80% AMI)	Applies to Rental and Ownership Housing			
Percent of Housing	100 Percent				

## FAQ

Does proposing a Density Bonus project, that may include waivers, concessions, and incentives affect eligibility?

State Density Bonus Law allows for housing development projects, as defined, to receive additional density, waivers, incentives and concessions in exchange for providing on-site affordable units. Projects that receive additional density, waivers, incentives or concessions may still be eligible for ministerial approval processes, such as those outlined in this bulletin.

What if my project is not eligible?

If the Project is not eligible for ministerial approval, the project will be subject to the local discretionary process, which may require review and final decision by the Planning Department and/or City Council.